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APR 24 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8345

UNITED STATES OF AMERICA,
Plaintiff,

v.

Eric RICO

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about April 22, 2008, within the Southern District of California, defendant Eric RICO did knowingly and intentionally import approximately 1.16 kilograms (2.55 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23RD DAY OF APRIL 2008.

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Eric RICO

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Frank Gonzalez.

On April 22, 2008, at approximately 1115 hours Custom and Border Protection (CBP) Officer Aguilar was assigned to pedestrian secondary when he noticed Eric RICO, later identified by his California application for a driver's license, enter the building.

Customs & Border Protection (CBP) Officer Aguilar noticed RICO was uneasy and kept looking around. RICO passed the primary lane. CBP Officer Aguilar noticed RICO's hand was shaking. RICO headed towards the exit doors. CBP Officer Aguilar kept looking at RICO as he tried to put his documents back into an envelope. CBP Officer Aguilar noticed RICO was looking up and straight ahead and his hands could be seen shaking. CBP Officer Aguilar noticed RICO was having trouble putting his documents away. CBP Officer Aguilar also noticed RICO's walk was peculiar. CBP Officer Aguilar received a negative Customs declaration from RICO. CBP Officer Aguilar asked him for his documents. As RICO handed CBP Officer Aguilar the documents, RICO's hand was shaking uncontrollably. CBP Officer Aguilar conducted an immediate pat down and felt something hard and rectangular on RICO's front thigh. CBP Officer Aguilar asked RICO what he was carrying and at that instant RICO snatched the documents from CBP Officer Aguilar's hand and ran south towards Mexico. CBP Officer Aguilar chased RICO and was able to stop him just outside the doors to the building. CPB Officer Equihua aided in securing RICO.

CBP Officers Aguilar and Equihua escorted RICO to the vehicle secondary area where a pat down was conducted in a private room. The pat down produced positive results. CBP Officer Aguilar discovered four (4) packages taped on RICO's thighs and ankles.

CBP Officer Aguilar randomly selected a package and probed it, which revealed a green leafy substance which field tested positive for marijuana. The packages were wrapped in a vacuum-sealed bag and clear cellophane. The total weight of the packages was 1.16 kilograms (2.55 pounds) of marijuana.

Agent Gonzalez advised RICO of his rights per Miranda. RICO stated he understood his rights and was willing to answer questions without the presence of an attorney. Agent Gonzalez interviewed RICO which admitted that he was getting paid to take the marijuana to an individual waiting for him at the Wal-Mart Store. RICO stated he needed money to see his brother that was arrested several weeks prior for smuggling 2 kilos of marijuana tapped to his body.